

In the Matter of	)	CG Docket No. 02-278
Petition for Waiver of	)	
Papa Murphy's Holdings, Inc. and	)	DA 16-1179
Papa Murphy's International L.L.C.	)	
	)	
Rules and Regulations Implementing the	)	
Telephone Consumer Protection Act of 1991	)	
	)	
Petitions for Waiver and/or Retroactive Waiver of	)	
47 CFR Section 64.1200(a)(2) Regarding the	)	
Commission's Prior Express Written Consent	)	
Requirement	)	
	)	

Petitioners John Lennartson and Susan Shay Nohr hereby submit this second supplement to their November 14, 2016 Petition for Reconsideration of Retroactive Waiver to Papa Murphy's ("Petition") in the above captioned proceeding. Petitioners have concurrently submitted their Petition for Leave to File under separate cover.<sup>1</sup>

This supplement provides an Amended Affidavit of Christopher Butler<sup>2</sup>, Office Manager at Internet Archive, the Declaration of Katy Warner<sup>3</sup>, paralegal at Keller Rohrbach LLP, and evidence filed in the related federal litigation<sup>4</sup>, to correct the factual

<sup>4</sup> See Ex. 2 to Warner Decl., which is a screenshot taken by attorney June Hoidal on March 11, 2015 from <http://www.papamurphys.com/deals>, filed as Exhibit D to the Declaration of June Hoidal, *Lennartson v. Papa Murphy's Holdings, Inc., and Papa Murphy's International LLC*, No. 3:15-cv-05307-RBL (Doc. No. 25-4).

record and demonstrate that Petitioners did not “submit doctored evidence,” or “intentionally fabricate evidence,” as Papa Murphy’s alleges in its December 21, 2016 Supplement to its Response to the Petition for Reconsideration (“Papa Murphy’s Supplement”).

Specifically, Chris Butler’s Amended Affidavit affirms that: (1) his December 8, 2016 Affidavit mistakenly authenticated and provided webpages accessed at URLs different from those requested by the Petitioners; (2) the copies of the webpages he authenticated were not accessible through the Wayback Machine’s public website; and (3) he did not alter or doctor the webpages in his affidavit. *See* Am. Butler Aff. Thus, Papa Murphy’s highly incendiary accusations, which were made without any investigation or communication with the Petitioners, are false.

These false accusations also fail to divert attention from three basic and undisputed points discussed in the Petition for Reconsideration, each of which mandate a reversal or clarification of the Waiver Order<sup>5</sup>:

- The FCC Consumer and Governmental Affairs Bureau (the “Bureau”) improperly relied on and applied a presumption of “confusion” about the mandate of the 2012 Order<sup>6</sup> to Papa Murphy’s waiver request;
- Papa Murphy’s failed to meet its burden of affirmatively demonstrating that it was “confused” about the 2012 Order. Even the one disclosure Papa Murphy’s now claims it eventually added to its website sometime after the effective date of the

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<sup>5</sup> *See In re Rules & Regs. Implementing the TCPA of 1991 Petitions for Waiver and/or Retroactive Waiver of 47 CFR Section 64.1200(a)(2) Regarding the Commission’s Prior Express Written Consent Requirement*, CG Docket No. 02-278 ¶ 1 (Oct. 14, 2016) (hereinafter “Waiver Order”).

<sup>6</sup> *See In re Rules & Regs. Implementing the TCPA of 1991*, 27 FCC Rcd. 1830, 1836 (Feb. 15, 2012) (hereinafter “2012 Order”).

2012 Order was not fully compliant. Papa Murphy's supplement thus unwittingly confirms that it failed to comply with at least some of the 2012 Order's requirements, which indicates it was not "confused"<sup>7</sup> but rather simply unaware of some of these requirements; and

- The Bureau lacks authority to waive or extinguish Article III court orders and private statutory claims.

**Papa Murphy's Allegations of Doctoring and Fabrication of Evidence are False.**

On November 29, 2016, the Petitioners requested an Affidavit from the Internet Archive's Wayback Machine in order to provide authenticated copies of two webpages to the FCC, which showed that Papa Murphy's did not provide any disclosures mandated by the 2012 Order even well after the Order came into effect on October 16, 2013. This authentication request was made for two webpages accessed through the following URLs:

- <https://web.archive.org/web/20140131173421/http://www.papamurphys.com/eclub/>
- <https://web.archive.org/web/20140330054723/http://www.papamurphys.com/eclub/>

*See* Ex. 1 to Warner Decl.<sup>8</sup>

On December 8, 2016, Chris Butler, Office Manager of the Internet Archive, provided Petitioners with an Affidavit authenticating two copies of Papa Murphy's webpages, which he then attached to his Original December 8 Affidavit. However, the

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<sup>7</sup> The FCC required clear and conspicuous disclosures that (1) Papa Murphy's will text using an autodialer, and (2) that consent is not a condition of purchase. *See In re Rules & Regs. Implementing the TCPA of 1991*, 27 F.C.C.R. 1830 ¶¶ 2, 19 (Feb. 15, 2012) ("2012 Order").

<sup>8</sup> In the related litigation, Papa Murphy's has staunchly refused to provide any discovery, forcing Petitioners to utilize third party sources of information, such as the Wayback Machine.

webpages authenticated and provided by Mr. Butler on December 8, 2016 were from the following two URLs:

- <https://web-beta.archive.org/web/20140131173421/http://www.papamurphys.com/eclub/>
- <https://web-beta.archive.org/web/20140330054723/http://www.papamurphys.com/eclub/>

These URLs were different from those originally requested by Petitioners on November 29, 2016, and these URLs were not accessible through searching the main Wayback Machine. *See* Am. Butler Aff. ¶¶ 7, 9-10. Nevertheless, the webpages provided by Mr. Butler in the Original Butler Affidavit appeared identical to those viewed by Petitioners, and Petitioners filed it in support of their Petition for Reconsideration.

Further, in his Amended Affidavit Mr. Butler avers that neither he nor his staff altered or doctored the webpages he authenticated. Am. Butler Aff. ¶ 13. Petitioners have no knowledge as to why there is a difference between this authenticated record and Papa Murphy's supplemental submission.

However, the Amended Butler Affidavit also explains that webpages accessed on the public Wayback Machine archive (accessed by Petitioners) and those accessed on the beta version of the archive (accessed by Mr. Butler), are different, with the latter providing more content that is not viewable on the public Wayback Machine. In sum, Petitioners did not alter, fabricate, or doctor any evidence. In fact, the authenticated webpages were provided by Christopher Butler, not Petitioners, and were accessed on a different version of the Wayback Machine.

Despite Papa Murphy's Supplement, which indicates that it made a partially compliant disclosure on its webpage at some point in time, undisputed evidence filed in the related federal court litigation shows that as of March 2015 Papa Murphy's may have



inexplicably removed even this partially compliant disclosure. That is, as of March 2015, Papa Murphy's did not provide *any* of the 2012 Order's mandated disclosures on its text message sign up webpage.<sup>9</sup>

Regardless of whether Papa Murphy's provided this one partially compliant disclosure at some period in time<sup>10</sup>, it was insufficient to comply with the 2012 Order. This affirmatively demonstrates that Papa Murphy's was unaware of at least some of the Order's requirements even long after they came into effect. Thus, the only available evidence in the record undermines any conclusion or presumption that Papa Murphy's was simply confused by the 2012 Order.

### **Conclusion**

Accordingly, Petitioners respectfully request the Commission to grant their request to withdraw or modify the October 14, 2016 Waiver Order as to Papa Murphy's.

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<sup>9</sup> See Ex. 2 to Warner Decl, which is a screenshot taken by attorney June Hoidal from <http://www.papamurphys.com/deals> on March 11, 2015, filed as Exhibit D to the Declaration of June Hoidal, *Lennartson v. Papa Murphy's Holdings, Inc., and Papa Murphy's International LLC*, No. 3:15-cv-05307-RBL (Doc. No. 25-4).

<sup>10</sup> Other than simply providing conflicting evidence, Papa Murphy's also fails to provide any information about the context of its partially compliant disclosure including: when this disclosure was added, why the other mandatory disclosure was omitted, why it did not fully comply with the 2012 Order even after it came into effect, and why the partially compliant disclosure apparently was later removed from its text message sign-up webpage. Papa Murphy's failure to provide the Bureau with this information undermines any conclusion or presumption that Papa Murphy's was "confused."

Dated: January 30, 2017

Respectfully submitted,

By: s/June P. Hoidal

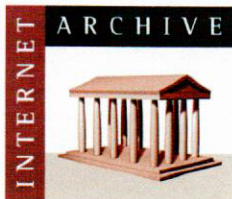
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*Attorneys for Petitioners  
John Lennartson and Susan Shay Nohr*

## APPENDIX OF SUPPLEMENTS

Date	Description
01/27/17	<p>Amended Affidavit of Christopher Butler with:</p> <ul style="list-style-type: none"><li>●<i>Exhibit A</i>: Authenticated Papa Murphy's webpages that were incorrectly accessed and printed from a second web archive interface.</li><li>●<i>Exhibit B</i>: Authenticated printouts comparing the Internet Archive's records for Papa Murphy's HTML files for the original URLs and dates printed out from both the Main Wayback Machine interface and the Beta Wayback interface.</li></ul>
01/30/17	<p>Declaration of Katy M. Warner with:</p> <ul style="list-style-type: none"><li>●<i>Exhibit 1</i>: Email from Katy Warner to the Internet Archive Custodian at the Wayback Machine requesting an Affidavit authenticating certain Papa Murphy's webpages, dated November 29, 2016.</li><li>●<i>Exhibit 2</i>: Declaration of June Hoidal with Exhibit D (a screenshot taken from <a href="http://www.papamurphys.com/deals">http://www.papamurphys.com/deals</a> on March 11, 2015), which were filed in <i>Lennartson v. Papa Murphy's Holdings, Inc.</i> federal class action (Doc. Nos. 25 and 25-4) on October 13, 2015.</li></ul>



www.archive.org  
415.561.6767  
415.840-0391 e-fax

Internet Archive  
300 Funston Avenue  
San Francisco, CA 94118

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## AMENDED AFFIDAVIT OF CHRISTOPHER BUTLER

1. I am the Office Manager at the Internet Archive, located in San Francisco, California. I make this declaration of my own personal knowledge.

2. The Internet Archive is a website that provides access to a digital library of Internet sites and other cultural artifacts in digital form. Like a paper library, we provide free access to researchers, historians, scholars, and the general public. The Internet Archive has partnered with and receives support from various institutions, including the Library of Congress.

3. The Internet Archive has created a service known as the Wayback Machine. The Wayback Machine makes it possible to surf more than 450 billion pages stored in the Internet Archive's web archive. Visitors to the Wayback Machine can search archives by URL (i.e., a website address). If archived records for a URL are available, the visitor will be presented with a list of available dates. The visitor may select one of those dates, and then begin surfing on an archived version of the Web. The links on the archived files, when served by the Wayback Machine, point to other archived files (whether HTML pages or images). If a visitor clicks on a link on an archived page, the Wayback Machine will serve the archived file with the closest available date to the page upon which the link appeared and was clicked.

4. The archived data made viewable and browseable by the Wayback Machine is compiled using software programs known as crawlers, which surf the Web and automatically store copies of web files, preserving these files as they exist at the point of time of capture.

5. The Internet Archive assigns a URL on its site to the archived files in the format `http://web.archive.org/web/[Year in yyyy][Month in mm][Day in dd][Time code in hh:mm:ss]/[Archived URL]` (note: "web-beta.archive.org" may appear in place of "web.archive.org" for any archives printed from a second interface for the Wayback Machine, web-beta.archive.org). Thus, the Internet Archive URL `http://web.archive.org/web/19970126045828/http://www.archive.org/` would be the URL for the record of the Internet Archive home page HTML file (`http://www.archive.org/`) archived on January 26, 1997 at 4:58 a.m. and 28 seconds (1997/01/26 at 04:58:28). A web browser may be set such that a printout from it will display the URL of a web page in the printout's footer. The date assigned by the Internet Archive applies to the HTML file but not to image files linked therein. Thus images that appear on a page may not have been archived on the same date as the HTML file. Likewise, if a website is designed with "frames," the date assigned by the Internet Archive applies to the frameset as a whole, and not the individual pages within each frame.





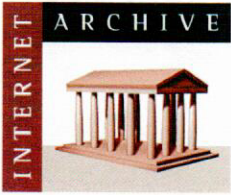
6. On November 29, 2016, Katy Warner, a paralegal at Keller Rohrback LLP, emailed a standard request to me at [info@archive.org](mailto:info@archive.org) for an affidavit authenticating two archived webpages from following URLs:

- <https://web.archive.org/web/20140131173421/http://www.papamurphys.com/eclub/>, corresponding to the following archived (original) URL and date:
  - archived URL: <http://www.papamurphys.com/eclub/>
  - date of capture: January 31, 2014
- <https://web.archive.org/web/20140330054723/http://www.papamurphys.com/eclub/>, corresponding to the following archived (original) URL and date:
  - archived URL: <http://www.papamurphys.com/eclub/>
  - date of capture: March 30, 2014

7. On December 8, 2016, I provided to Ms. Warner an affidavit authenticating and attaching printouts from the following URLs as Exhibit A to the Affidavit :

- <https://web-beta.archive.org/web/20140131173421/http://www.papamurphys.com/eclub/>
- <https://web-beta.archive.org/web/20140330054723/http://www.papamurphys.com/eclub/>

These records are the Internet Archive's records the HTML files for the same original URLs and times indicated in paragraph 6 above. Instead of being accessed from the Internet Archive's more visible, older interface at <https://web.archive.org> ("Main Wayback Machine"), they were accessed and printed from a second web archive interface at <https://web-beta.archive.org> where the Internet Archive currently hosts its more recently developed version of the Wayback Machine ("Beta Wayback Machine") with improvements and updated features, including access to more archived records.



8. For purposed of comparison, true and accurate copies of printouts of the Internet Archive's records for the HTML files for the above-mentioned original URLs and dates as printed out from both the Main Wayback Machine interface and Beta Wayback Machine interface are attached hereto as Exhibit B:

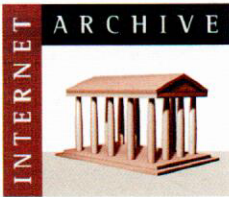
- Main Wayback Interface:
  - <https://web.archive.org/web/20140330054723/http://www.papamurphys.com/eclub/>
  - <https://web.archive.org/web/20140131173421/http://www.papamurphys.com/eclub/>
- Beta Wayback Interface:
  - <https://web-beta.archive.org/web/20140131173421/http://www.papamurphys.com/eclub/>
  - <https://web-beta.archive.org/web/20140330054723/http://www.papamurphys.com/eclub/>

9. The above-referenced pages provided for Exhibit B from the Beta Wayback Machine display submission forms (i.e., areas on the page with fields in which information may be input by a user) that are not displayed in the Main Wayback Machine versions of these pages. Specifically, one submission form is displayed on both Beta versions under a paragraph with the title "Email" in red letters and another form is displayed on both Beta versions under a paragraph with the title "Text" in red letters.

10. This submission form content described in paragraph 9 is embedded in "frames", or areas of the page wherein content may be served from separate external files and displayed within the other content on the page.

11. The submission form content referenced in paragraphs 8 and 9 is not viewable in the archives in the Main Wayback Machine interface. In place of that submission form content are displayed Wayback Machine logos and portions of the general Wayback Machine search result page that is returned when the interface can access no available archives for a particular frame.

12. In summary, the Beta Wayback Machine has access to archived records for the referenced frames on the pertinent archives pages to which the Main Wayback Machine does not have access. As such, the Beta Wayback Machine



displays content from the archived files corresponding to the frames, whereas the Main Wayback Machine displays a portion of a placeholder page that is called up when no archives are available to the interface for a particular frame.

13. The copies of the webpages I attached as Exhibit A to my December 8, 2016 affidavit were not altered, fabricated, or doctored by me or anyone else at Internet Archive.

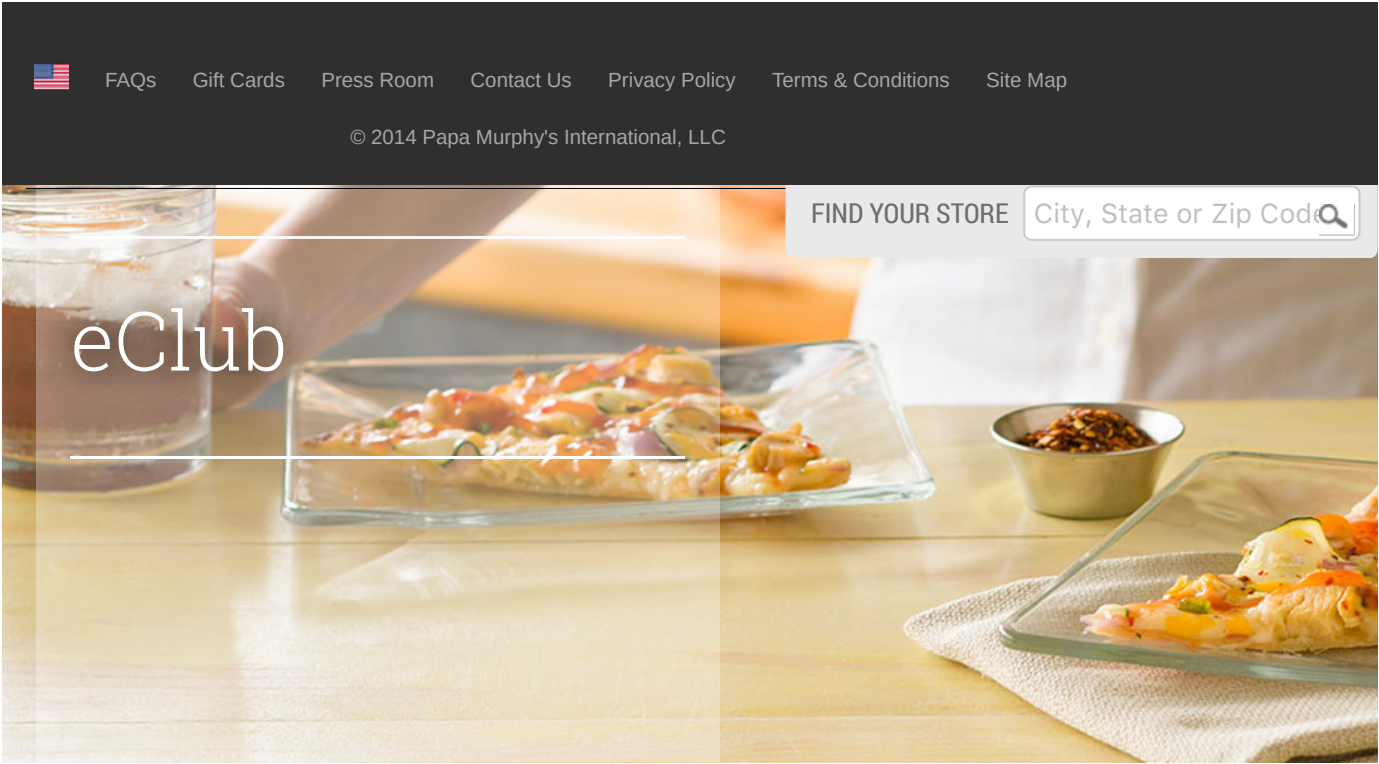
14. I declare under penalty of perjury that the foregoing is true and correct.

DATED: 1/27/17 CB

CB  
Christopher Butler

# Exhibit A





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<b>Name</b>	<input type="text" value="First Name"/>	<input type="text" value="Last Name"/>
<b>Email</b>	<input type="text" value="Email"/>	
<b>Zip/Postal Code</b>	<input type="text" value="Zip"/>	
<b>Birthday</b>	<input type="text" value="MM"/>	<input type="text" value="DD"/>
I'm over 18 <input type="checkbox"/>		

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Mobile Phone:	<input type="text"/>	*
(Ex. 5555555555)		
First Name:	<input type="text"/>	

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<b>Email</b>	<input type="text" value="Email"/>	
<b>Zip/Postal Code</b>	<input type="text" value="Zip"/>	
<b>Birthday</b>	<input type="text" value="MM"/>	<input type="text" value="DD"/>
I'm over 18 <input type="checkbox"/>		

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Mobile Phone:	<input type="text"/>	*	(Ex. 5555555555)
First Name:	<input type="text"/>		
Last Name:	<input type="text"/>		

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[http://www.phizzlemobile.com/papa\\_murphys\\_form.php](http://www.phizzlemobile.com/papa_murphys_form.php)

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See [www.phizzlemobile.com/robots.txt](http://www.phizzlemobile.com/robots.txt) page. [Learn more](#) about robots.txt.

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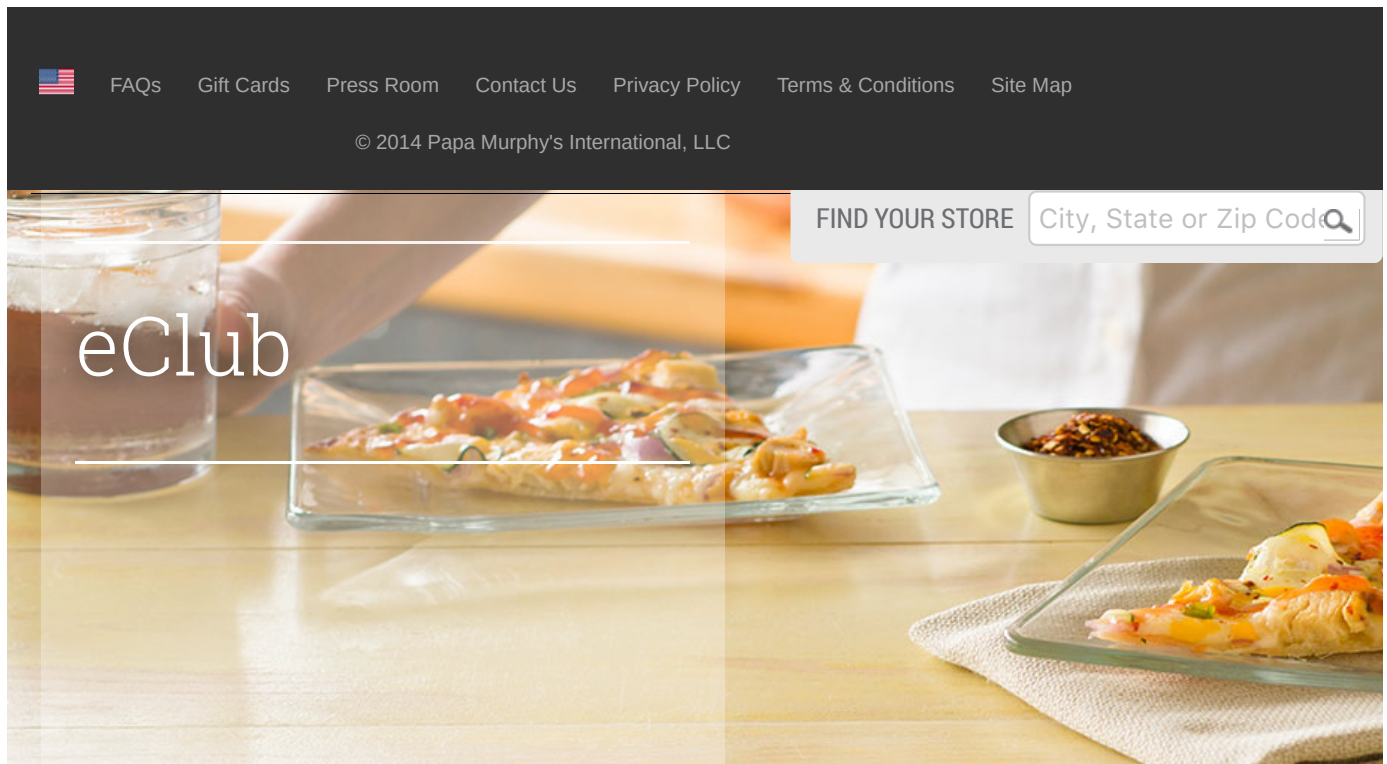
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<b>Birthday</b>	<input type="text" value="MM"/>	<input type="text" value="DD"/>
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Mobile Phone:	<input type="text"/>	*
(Ex. 5555555555)		
First Name:	<input type="text"/>	

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<b>Email</b>	<input type="text" value="Email"/>	
<b>Zip/Postal Code</b>	<input type="text" value="Zip"/>	
<b>Birthday</b>	<input type="text" value="MM"/>	<input type="text" value="DD"/>
I'm over 18 <input type="checkbox"/>		

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In the Matter of	)	CG Docket No. 02-278
Petition for Waiver of	)	
Papa Murphy's Holdings, Inc. and	)	DA 16-1179
Papa Murphy's International L.L.C.	)	
	)	
Rules and Regulations Implementing the	)	
Telephone Consumer Protection Act of 1991	)	
	)	
Petitions for Waiver and/or Retroactive Waiver of	)	
47 CFR Section 64.1200(a)(2) Regarding the	)	
Commission's Prior Express Written Consent	)	
Requirement	)	
	)	

Katy M. Warner, under penalty of perjury under the laws of the State of Washington, declares that the following is true and correct:

1. I am a complex litigation paralegal at the law firm of Keller Rohrbach L.L.P. and I work with the attorneys who represent Plaintiffs John Lennartson and Susan Shay Nohr (“Petitioners”) in this proceeding and the related federal class action, *Lennartson v. Papa Murphy’s Holdings, Inc., and Papa Murphy’s International LLC*, No. 3:15-cv-05307 (W.D. Wash.).

2. Attached as **Exhibit 1** is a true and correct copy of the email I sent to the Internet Archive Custodian at the Wayback Machine on November 29, 2016, requesting an Affidavit authenticating webpages accessed through the following URLs:

<https://web.archive.org/web/20140131173421/http://www.papamurphys.com/eclub/>  
<https://web.archive.org/web/20140330054723/http://www.papamurphys.com/eclub/>

3. Attached as **Exhibit 2** is a true and correct copy of the October 13, 2015 Declaration of June Hoidal with Exhibit D (a screenshot taken from <http://www.papamurphys.com/deals> on March 11, 2015), which was filed as evidence in the federal class action *Lennartson v. Papa Murphy's Holdings, Inc.*, No. 3:15-cv-05307 (W.D. Wash.) (Doc. Nos. 25 and 25-4).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Seattle, Washington this 30th day of January, 2017.

s/ Katy M. Warner  
Katy M. Warner

**Exhibit 1 to the  
Declaration of Katy M. Warner**

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**From:** Katy Warner  
**Sent:** Tuesday, November 29, 2016 12:04 PM  
**To:** [info@archive.org](mailto:info@archive.org)  
**Cc:** Karin Swope <[kswope@KellerRohrback.com](mailto:kswope@KellerRohrback.com)>  
**Subject:** Affidavit Request - Papa Murphy's  
**Importance:** High

Dear Internet Archive Custodian:

We have just submitted payment via PayPal for an affidavit from the Internet Archive. A copy of our PayPal receipt is attached. We need an affidavit authenticating the two below URL's.

<https://web.archive.org/web/20140131173421/http://www.papamurphys.com/eclub>

<https://web.archive.org/web/20140330054723/http://www.papamurphys.com/eclub/>

I know you do not expedite affidavits, however, we are in need of this affidavit by November 8<sup>th</sup> in order to meet a filing deadline in a pending litigation. Here is our FedEx account number to send the declaration back to us overnight, **Account #** [REDACTED]. Hopefully this will speed up the process. Please let me know if you need anything else from us.

Thank you for your quick assistance in this matter.

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Katy M. Warner  
Paralegal – Complex Litigation  
Keller Rohrback L.L.P.

Phone: (206) 623-1900  
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Email: [kwarnar@kellerrohrback.com](mailto:kwarnar@kellerrohrback.com)

CONFIDENTIALITY NOTE: This e-mail contains information belonging to the law firm of Keller Rohrback L.L.P., which may be privileged, confidential and/or protected from disclosure. The information is intended only for the use of the individual entity named above. If you think that you have received this message in error, please e-mail the sender. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

**Exhibit 2 to the  
Declaration of Katy M. Warner**



HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JOHN LENNARTSON, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

PAPA MURPHY'S HOLDINGS, INC.; and  
PAPA MURPHY'S INTERNATIONAL,  
L.L.C.,

Defendants.

No. 3:15-cv-05307-RBL

**DECLARATION OF JUNE HOIDAL  
IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT OR, IN THE  
ALTERNATIVE, FOR STAY**

June P. Hoidal, under penalty of perjury under the laws of the State of Washington, declares that the following is true and correct:

1. I am a partner in the law firm of Zimmerman Reed and one of the attorneys for the Plaintiff in this case. I am a member of the bar of Minnesota, have been admitted pro hac vice in this case, and am competent to testify to the matters stated herein. I submit this Declaration in support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment or, in the Alternative, for Stay.

2. Attached as **Exhibit A** is a true and correct screenshot I made on October 12, 2015 from <https://archive.org/web/> ("Internet Archive WayBack Machine"), which provides a snapshot

1 of Papa Murphy's archived webpage from January 31, 2014, and which contains the following  
2 language:

3 To join Papa Murphy's Text Club for coupons & special offers, please enter your  
4 mobile number below. You will receive four text messages per month. To  
5 unsubscribe from our text club at any time, text **STOP** to **90421**. For questions or  
help with the text club, text **HELP** to **90421**, or call 800-257-7272, or email us at  
guestservices@papamurphys.com.

6 3. Attached as **Exhibit B** is a true and correct screenshot I made on October 12, 2015  
7 from <https://archive.org/web/> ("Internet Archive WayBack Machine"), which provides a snapshot  
8 of Papa Murphy's archived webpage from March 30, 2014, and which contains the following  
9 language:

10 To join Papa Murphy's Text Club for coupons & special offers, please enter your  
11 mobile number below. You will receive four text messages per month. To  
12 unsubscribe from our text club at any time, text **STOP** to **90421**. For questions or  
help with the text club, text **HELP** to **90421**, or call 800-257-7272, or email us at  
guestservices@papamurphys.com.

13 4. Attached as **Exhibit C** is a true and correct screenshot I made on October 12, 2015  
14 from <https://archive.org/web/> ("Internet Archive WayBack Machine"), which provides a snapshot  
15 of Papa Murphy's archived webpage from March 7, 2015, and contains the following language:

16 You're just one step away from making your life easier! Why search around your  
17 house and car for the best Papa Murphy's coupons when the most exclusive offers  
18 can be sent directly to your inbox or phone? So sit back and relax (we know it's  
rare), and wait for the money saving offers to come your way.

19 5. Attached as **Exhibit D** is a true and correct screenshot I took on March 11, 2015,  
20 from <http://www.papamurphys.com/deals>.

21 6. Attached as **Exhibit E** is a true and correct copy of Defendants Appstack, Inc.,  
22 Steve Espinosa, and John Zdanowski's Opposition to Plaintiff's Motion for Class Certification  
23 (Doc. 41) in *Booth v. Appstack, Inc., et al.*, Case No. 2:13-cv-01533-JLR (W.D. Wash.).

24 7. Attached as **Exhibit F** is a true and correct copy of *In re Rules & Regulations*  
25 *Implementing the TCPA of 1991*, Erratum (July 28, 2015).

ZIMMERMAN REED, LLP

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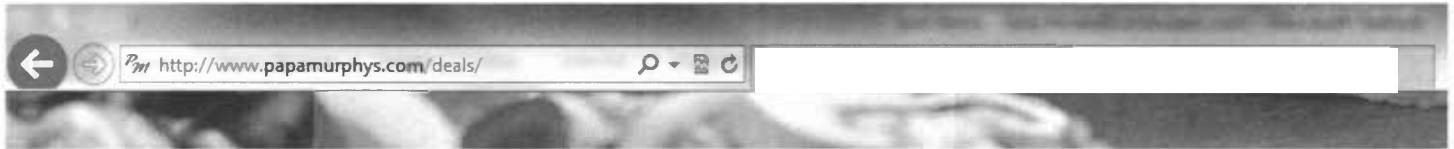
June P. Hoidal, Admitted Pro Hac Vice

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of October, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/Mark A. Griffin  
Mark A. Griffin, WSBA #16296

# Exhibit D



## Join our Family.

You're just one step away from making your life easier! Why search around your house and car for the best Papa Murphy's coupons when the most exclusive offers can be sent directly to your inbox or phone? So sit back and relax (we know it's rare), and wait for the money saving offers to come your way.

Sign up now!

First Name

Last Name

Email

Mobile Number

Zip/Postal Code

Birthday

- ☐ Sign me up for email deals
- ☐ Sign me up for mobile deals
- ☐ I'm over 18

SUBMIT

## **CERTIFICATE OF SERVICE**

I hereby certify that on January 30, 2017, I caused John Lennartson and Susan Shay Nohr's Second Supplement to Petition for Reconsideration of Retroactive Waiver to Papa Murphy's Holdings, Inc. and Papa Murphy's International L.L.C. to be served on the parties listed on the attached service list via the Electronic Comment Filing System and First Class Mail.

I further certify that I also served an electronic courtesy copy on counsel for Papa Murphy's Holdings, Inc. and Papa Murphy's International L.L.C. via e-mail.

*s/ June P. Hoidal*

June P. Hoidal

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